

BAY AREA AIR POLLUTION CONTROL DISTRICT
939 Ellis Street
San Francisco, California 94109

April 20, 1978

TO: CHAIRPERSON BONNER AND MEMBERS
OF THE TECHNICAL COMMITTEE

FROM: AIR POLLUTION CONTROL OFFICER

SUBJECT: PROPOSED LIGHTERING RULE

On Friday, April 14, 1978, the State Air Resources Board Executive Officer held a public hearing to consider adopting modifications to the ARB model rule on lightering. Although we have not yet received official notification, there is every indication that the proposed changes will be adopted.

Enclosed for your review prior to the Technical Committee meeting on April 27 is a copy of the amended ARB rule dated April 14, 1978. Also enclosed is a copy of District Staff comments presented at the public hearing regarding the rule.

Staff will have a written proposal to present for your consideration on April 27. It will contain the basic limitations as specified in the ARB rule, but will incorporate language to take care of the Staff concerns expressed in the presentation to the ARB.

TB:tmc
Attachments

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STATEMENT ON BEHALF OF BAY AREA AIR POLLUTION CONTROL DISTRICT
TO AIR RESOURCES BOARD EXECUTIVE OFFICER'S PUBLIC HEARING ON
APRIL 14, 1978 CONCERNING THE MODEL LIGHTERING RULE

The Bay Area Air Pollution Control District is aware of the Air Resources Board's desire for control of emissions generated by lightering operations. The District staff has had several meetings to discuss a rule that might be appropriate for the Bay Area. Upon receipt of the final ARB model rule, we will be finalizing a proposed District rule for submittal to our Board of Directors for consideration.


We do have some problem areas with the proposed model rule that we would like to call to your attention at this time. The most pressing is the question of jurisdiction. Our legal counsel has concerns about our ability to enforce regulations for violations that occur outside of District boundaries. Until this matter is legally settled, we may consider alternate ways to cope with this matter.

Another area that concerns us is the role of the Coast Guard in relation to the regulation. Our present thinking is to make compliance with the regulation contingent on prior approval by the Coast Guard of any equipment to be installed as a requirement of the regulation.

Our final concern at this time is the availability of equipment to be installed to monitor organic vapors released to the atmosphere during lightering operations and a method for certifying such equipment. It may be premature to set a compliance date without giving time for development and testing of such instruments. In addition, it could be advantageous

for all Districts if the Air Resources Board were to have a requirement that monitoring instruments be certified by the State prior to installation.

Other than administrative and enforcement problems that arise with any new regulation, this covers our main concerns at this time. Again, after your adoption of the model rule, we will be using it to write a rule which we feel appropriately fits the needs of the Bay Area Air Pollution Control District. Thank you.



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APRIL 14, 1978 DRAFT
PRESENTED AT ARB MEETING

State of California
AIR RESOURCES BOARD

Proposed Model Rule for Controlling Emissions from Lightering Operations

REVISED

(a) Definitions

- (1) "California Coastal Waters" means that area between the California coastline and a line starting at the California-Oregon border at the Pacific Ocean,

Thence to	42.0°N	125.5°W
Thence to	41.0°N	125.5°W
Thence to	40.0°N	125.5°W
Thence to	39.0°N	125.0°W
Thence to	38.0°N	124.5°W
Thence to	37.0°N	123.5°W
Thence to	36.0°N	122.5°W
Thence to	35.0°N	121.5°W
Thence to	34.0°N	120.5°W
Thence to	33.0°N	119.5°W
Thence to	32.5°N	118.5°W

and ending at the California-Mexican Border at the Pacific Ocean.*

~~(1) -- "Central-California-Coastal-Waters" means --~~

- (2) "Emission control equipment" means any equipment, including components of the vessel's fuel system, used to reduce or to accomplish a reduction in emissions of air pollutants from a vessel.

* At this time, the model rule is not intended to be applicable in the California Coastal Waters north of a line extending from 39°N 125°W to the coast at the Sonoma-Mendocino County line.

(3) "Lighter" means any vessel which receives organic liquid cargo, except bunker fuel, during a lightering operation.

(4) "Lightering" means the transfer of organic liquid cargo, except bunker fuel, from one vessel (the "parent" vessel) into another vessel (the "lighter" vessel).

~~(5) --"Northern-California-Coastal-Waters" means---~~

(5)(6) "Operation" means any activity of any vessel including, but not limited to, cargo loading and unloading, lightering, ballasting, venting, purging, gas-freeing, tank washing, maneuvering, cruising, hotelling, towing, maintaining, and repairing.

(6)(7) "Operate" means to perform an operation.

(7)(8) "Organic liquid" means any petroleum liquid containing carbon and hydrogen including, but not limited to, crude oil and petroleum distillates.

(8)(9) "Organic vapor" means any vaporized component or components of an organic liquid.

~~(10) --"Southern-California-Coastal-Waters" means those waters lying between the California coastline and the line described below:~~

~~Starting at 34.5 N 121.0 W (west of Pt. Arguello);
thence to 34.0 N 120.5 W (west of San Miguel Island);
thence to 33.5 N 120.0 W (south of Santa Rosa Island);
thence to 33.0 N 119.5 W (south of San Nicolas Island);
thence to 32.5 N 118.5 W (south of San Clemente Island);
and ending at the U.S. Mexican border at the Pacific Ocean (south of San Francisco).~~

(9) "Vessel" means any tugboat, tanker, freighter, barge, or any other boat or ship, except those used primarily for recreation.

(b) Emissions of Sulfur Compounds
owner or operator of a lighter

(1) ~~No person~~ shall operate or allow the operation within ~~Southern~~
~~(and/or-Central-and/or-Northern)-~~ California Coastal Waters of
any lighter unless such vessel burns a fuel having a sulfur
content of not more than 0.5 percent by weight while in ~~Southern~~
~~(and/or-Central-and/or-Northern)-~~ California Coastal Waters.

(2) The prohibition of subsection (b)(1) shall not apply to a
lighter if the emissions of sulfur compounds emitted into
the atmosphere from the lighter are not greater than those
which would be emitted by using a fuel which complies with
subsection (b)(1).

(3) Any lighter which is subject to the provisions of subsection
(b)(1) or (b)(2) shall, for the purpose of determining
compliance, have installed and in operation by January 1,
1979 sealed monitoring instruments approved by the Executive
Officer (or Air Pollution Control Officer) of the District
which shall continuously detect and record the sulfur
content of fuel oil burned in the lighter's boilers or
engines or the sulfur dioxide content of the vessel's
boiler or engine flue gases whenever such lighter is
operating within California Coastal Waters. Means shall be
provided to prevent such detection and recording systems from being
disconnected or rendered inoperable. Data and information
recorded by such instruments shall be kept on the vessel
and such data shall be made available for inspection upon

request by the Executive Officer (or Air Pollution Control Officer) of the District, or by the Executive Officer of the Air Resources Board, or by their authorized representatives. The provisions of subsections (f)(1) and (f)(2) of this Rule shall not be applicable to this subsection (b)(3).

(c) Emissions from Loading Organic Liquid into Lighters

~~(1) -- Except for lightering which occurs within the Long Beach or Los Angeles Harbor breakwater (or other specified bay or harbor), no person shall load or allow the loading of organic liquid into any lighter within Southern (and/or Central and/or Northern) California Coastal Waters from March 1, 1978 to September 1, 1978 unless the weight of organic vapors emitted during the loading of each 1,000 gallons of organic liquid is reduced by at least 80 percent from uncontrolled conditions. For the purposes of complying with this subsection, the owner or operator of a lighter may:~~

~~(A) -- Perform both of the following operations which, taken together, shall be assumed, without demonstration, to result in an 80 percent by weight reduction in organic vapor loading emissions:~~

~~(i) -- Reduce the concentration of organic vapors in the cargo tanks of a lighter by tank washing and gas freeing of said tanks outside Southern (and/or Central and/or Northern) California Coastal Waters so that the average concentration of organic vapors~~

~~in said cargo tanks of such lighter does not exceed 0.5 percent by volume immediately prior to the commencement of lightering into said tanks; and~~
(ii) ~~Short-load a lighter so that the surface of the organic liquid in any loaded cargo tank is at least 10 feet below deck level; or~~

~~(B) -- Employ any alternative emission control practices or equipment provided that the owner or operator of a lighter subject to this subsection shall comply with the provisions of subsection (c)(4) of this Rule prior to the use of such alternative practices or equipment.~~

(1)(2) Except for lightering which occurs within the Long Beach or Los Angeles Harbor breakwater (or other specified bay or harbor), owner or operator of a lighter no ^{owner or operator of a lighter} person shall load or allow the loading of organic liquid into any lighter within ~~Southern (and/or Central and/or Northern)~~ California Coastal Waters from January 1, 1979 to October 1, 1980 ~~September 1, 1978 to July 1, 1980~~ unless the weight of organic vapors emitted during the loading of each 1,000 gallons of organic liquid is reduced by at least 90 percent from uncontrolled conditions.

(2)(3) No ^{owner or operator of a lighter} person shall load or allow the loading of organic liquid into any lighter within ~~Southern (and/or Central and/or Northern)~~ California Coastal Waters after October 1, 1980 ~~July 1, 1980~~ unless the weight of organic vapors emitted during the loading of each 1,000 gallons of organic liquid is reduced by at least 95 percent from uncontrolled conditions.

(3)(4) The owner or operator of any lighter subject to subsections ^{or} (c)(1)(B), (c)(2), or (c)(3) of this Rule shall demonstrate,

(A) Demonstrate, prior to the effective dates of such subsections, to the satisfaction of the Executive Officer (or Air Pollution Control Officer) of the District by means of emissions tests, engineering evaluation, or other means of reasonable precision and accuracy that the control practices or equipment selected to achieve compliance will reduce the organic vapor emissions to the extent required by said subsections; and

~~(B) -- That there is a reliable methodology for determining the effectiveness of such control practices or equipment on a routine basis.~~

(B) Provide fittings, couplings, apertures, access platforms, and/or other equipment and features as required by the Executive Officer (or Air Pollution Control Officer) of the District necessary to facilitate source testing for determining the effectiveness of emission control equipment or emission control practices on a routine basis.

(d) Emissions from Cargo Tanks of Lighters
owner or operator of a lighter

(1) No ~~person~~ shall perform or allow the performance of any operation, other than loading or unloading of cargo, within ~~Southern (and/or Central and/or Northern)~~ California Coastal Waters on any lighter which would result in the release into the atmosphere of organic vapors from the cargo tanks of such vessel.

(2) Lighters subject to the provisions of subsection (d)(1) shall, for the purpose of determining compliance, have installed and

January 1, 1979

in operation by [^]September 1, 1978, sealed monitoring instruments approved by the Executive Officer (or Air Pollution Control Officer) of the District which shall detect and record the date, time, and duration of any operation other than cargo loading within ~~Southern~~ ~~(and/or Central and/or Northern)~~ California Coastal Waters that would result in the release into the atmosphere of organic vapors from the vessel's cargo tanks. Means shall be provided to prevent detection and ^{such} recording systems from being disconnected or rendered inoperable. Data and information recorded by such instruments shall be kept on the vessel with the vessel's oil record book and such data and record book shall be made available for inspection upon request by the Executive Officer (or Air Pollution Control Officer) of the District, or by the Executive Officer of the Air Resources Board, or by their authorized representatives. The provisions of subsections (f)(1) and (f)(2) of this Rule shall not be applicable to this subsection.

- (3) The prohibitions of this subsection shall not apply to the release of organic vapors into the atmosphere from cargo tank pressure relief valves resulting from diurnal temperature and pressure changes within cargo tanks, provided such valves are properly installed, maintained, and operated.

(e) Nothing in this Rule shall be construed to:

- (1) Require any act or omission that would be in violation of any regulation or other requirement of the United States Coast Guard; or
- (2) Prevent any act or omission that is necessary to secure the

safety of the tanker or other vessels or for saving life at sea ~~(any one or more of such conditions shall be referred to herein as Safety Emergency)~~; provided, however, that this provision is subject to the following conditions:

If a vessel, for reasons set forth above in subsection (e) which could not be reasonably foreseen, does not comply with the requirements of this Rule, a report substantiating the justification for each such instance of non-compliance shall be submitted by the operator of the vessel within 14 days of the occurrence to the Executive Officer (or Air Pollution Control Officer) of the District with a copy to the Executive Officer of the Air Resources Board. If the Executive Officer (or Air Pollution Control Officer) of the District finds that the reason for non-compliance with the Rule was not permissible under the provisions of this subsection (e), such vessel shall be deemed to be in violation of this Rule.

~~(B). -- If it can be reasonably foreseen that a vessel, for reasons set forth above in subsection (e), will not be able to comply with a requirement of this Rule, an application for an exemption from any such requirement of this Rule shall be submitted to the Executive Officer of the District, with a copy to the Executive Officer of the Air Resources Board, at least 30 days prior to any such possible non-compliance. -- The application shall set forth in detail all circumstances which justify the possible non-compliance, including,~~

~~but not limited to, any rule or regulation which would be violated if the vessel operated in compliance with such requirement. Upon receipt of any such application, the Executive Officer of the District, in consultation with the Executive Officer of the Air Resources Board, shall determine whether the circumstances justify the possible non-compliance. The Executive Officer of the District shall notify the party submitting an application of this determination at least 5 days prior to the possible non-compliance. If the Executive Officer of District finds that any such non-compliance is not permissible under this subsection (e), the vessel shall be deemed to be in violation of this Rule if any such non-compliance occurs.~~

(f) Compliance Schedule

- (1) Unless otherwise specified in this Rule, vessels which are capable of complying with any subsection of this Rule without the construction or installation of additional emission control equipment shall be in compliance with such subsection of this July 1, 1978.
Rule by March 1, 1978.
- (2) The owner or operator of a lighter for which construction or installation of emission control equipment is required to comply with any subsection of this Rule shall demonstrate by July 1, 1978,
March 1, 1978, or at least 30 days prior to any proposed operation subject to this Rule, whichever is later, to the

Executive Officer (or Air Pollution Control Officer) of the District and to the Executive Officer of the Air Resources Board that such construction or installation is necessary.

Such lighter shall comply with every subsection of this Rule as expeditiously as practicable but in any event no October 1, 1980, later than ~~July 1, 1980,~~ and shall fulfill the following

increments of progress:

October 1, 1978.

(A) Prior to ~~June 1, 1978.~~ Submit to the Executive Officer

(or Air Pollution Control Officer) of the District a

final control plan which describes, as a minimum, the

steps, including a construction schedule, that will be

taken to achieve compliance with the provisions of this

Rule. The schedule must show completion of the construction

and equipment installation phases of the plan prior to

August 1, 1980

October 1, 1980.

~~April 1, 1980~~ and compliance with this Rule by ~~July 1,~~

1980. If the Executive Officer (or Air Pollution Control

Officer) of the District finds that the final control

plan will not result in compliance as expeditiously as

practicable, the subject vessel shall be deemed in

violation of this subsection until such time as an acceptable

plan is submitted.

December 1, 1978.

(B) Prior to ~~August 1, 1978.~~ Negotiate and sign initial

contracts for the construction or installation of

emission control equipment, or issue orders for the

purchase of component parts to accomplish emission

control.

August 1, 1980.

- (C) Prior to ~~April 1, 1980~~[^] Complete construction or installation of emission control equipment or component parts to accomplish emission control as indicated on the construction schedule submitted with the final control plan.

October 1, 1980.

- (D) By ~~July 1, 1980~~[^] Be in final compliance with the provisions of this Rule.

- (3) The non-availability of specific emission control equipment or of a specific emission control system or method to be used for the purpose of achieving compliance with any provision of this Rule shall not constitute relief from such provision if other types of emission control equipment, systems, or methods acceptable to the Executive Officer (or Air Pollution Control Officer) of the District are available.
- (4) A requirement to construct or install emission control equipment for the purpose of achieving compliance with any subsection of this Rule shall not constitute relief from the requirement for a lighter to comply with any other subsection of this Rule for which the construction or installation of emission control equipment is not required.

July 1, 1978

- (5) An extension of the ~~March 1, 1978~~[^] compliance date shall not be granted for the elimination of organic vapor emissions caused by ballasting into cargo tanks unless dedication or permanent filling of certain cargo or ballast tanks would reduce the cargo carrying capacity of a lighter by at least 20 percent more than its capacity would be reduced by the construction of fully segregated ballast tanks.

(6) Any lighter which engages in lightering operations within ~~Southern-(and/or-Central-and/or-Northern)-~~ California Coastal October 1, 1980, Waters after July 1, 1980, shall be in full compliance with the provisions of this Rule.

~~(g) --The provision of subsection (f)(1) of this Rule shall not be applicable to subsection (c)(2) of this Rule and the provision of subsection (f)(2) of this Rule shall not apply to subsections (e)(1) and (e)(2) of this Rule.~~

(g) The provisions of subsections (f)(1) and (f)(2) of this Rule shall not be applicable to subsection (c)(1) of this Rule.
owner or operator of a lighter or marine terminal

(h) No person shall load or unload, or allow the loading or unloading of organic liquid, except bunker fuel, into or from any lighter at any port or berthing facility within the (Name) Air Pollution Control District if such lighter has not complied with the provisions of this Rule.

(i) Severability

If any portion of this Rule shall be found to be unenforceable, such finding shall have no effect on the enforceability of the remaining portions of the Rule, which shall continue to be in full force and effect. If this Rule is found to be unenforceable in any portion of ~~Southern-(and/or-Central-and/or-Northern)-~~ California Coastal Waters, it shall remain in full force and effect in all other portions of ~~Southern-(and/or-Central-and/or-Northern)-~~ California Coastal Waters.

(i) Notification of the intended arrival date of a parent vessel in ~~Southern-(and/or-Central-and/or-Northern)-~~ California Coastal Waters shall be made to the Executive Officer (or Air Pollution Control Officer) of the District at least 4 hours prior to the arrival of

the vessel. Such notification shall include the parent vessel's name, size, quantity of cargo carried, destination, date and approximate time of arrival in ~~Southern (and/or Central and/or Northern)~~ California Coastal Waters, and destination of cargo. Upon receipt of such notification the Executive Officer (or Air Pollution Control Officer) of the District may request additional information relating to the pending lightering operation.

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